

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WASHTENAW COUNTY EMPLOYEES'
RETIREMENT SYSTEM, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

WALGREEN CO., et al.,

Defendants.

Case No. 1:15-cv-3187

Honorable Sharon Johnson Coleman

JOINT STATUS REPORT

Pursuant to this Court's March 11, 2022, Minute Entry (ECF No. 491), Lead Plaintiff Industriens Pensionsforsikring A/S ("Plaintiff"), and Defendants Walgreen Co. ("Walgreens"), Gregory D. Wasson ("Wasson"), and Wade D. Miquelon ("Miquelon") (collectively, "Defendants," and with Plaintiff, the "Parties") respectfully submit this Joint Status Report ("Report").

1. Nature of the Case

This is a certified securities class action (the "Action") alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. §§ 78j(b) and 78t(a), and Rule 10b-5, promulgated thereunder, 17 C.F.R. § 240.10b-5. Plaintiff seeks damages from all Defendants, jointly and severally, in an amount to be determined at trial.

This Action has been litigated through multiple complaints and motions to dismiss, class certification proceedings, and merits and expert discovery. Thereafter, Defendants filed a motion for summary judgment and Plaintiff filed a motion for partial summary judgment.

On November 2, 2021, the Court granted in part, and denied in part, Defendants' Motion for Summary Judgment, and denied Plaintiffs' Motion for Partial Summary Judgment. ECF

No. 483. Defendants moved for partial reconsideration of the Court's summary judgment order, and on March 2, 2022, the Court granted Defendants' motion. ECF No. 490. None of the Parties' experts intend to amend or supplement their opinions in response to these orders.

All counsel of record for Plaintiff, Walgreens, Wasson, and Miquelon are listed in the signature blocks below. The lead trial attorneys are James Barz, Andrew Zivitz, and Eli Greenstein (pursuant to Local Rule 83.12(b)) for Plaintiff, James W. Ducayet for Walgreens, Thomas B. Quinn for Wasson, and Laurence H. Levine for Miquelon.

2. Pending Motions

As of the date of this Report, there are no pending motions or deadlines. Each side has put forward four experts and intends to file *Daubert* motions seeking to exclude, in whole or in part, certain of the other side's experts' opinions. The Parties have agreed to the following proposed briefing schedule and page limits for the *Daubert* motions, which they respectfully request the Court to approve:

Motion	Date	Pages
Omnibus Opening <i>Daubert</i> Motions	May 12, 2022	30
Omnibus Opposition Briefs	June 16, 2022	30
Omnibus Reply Briefs	July 11, 2022	15

Defendants respectfully request an evidentiary hearing following the completion of *Daubert* briefing, on a date convenient to the Court. Plaintiff is amenable to a hearing if the Court deems it necessary following review of the Parties' *Daubert* briefing, but believes that scheduling such a hearing at this time is premature and recognizes that the Court does not typically hear oral argument or conduct other proceedings on such motions as a matter of course.

In addition, the Parties intend to file other pre-trial motions *in limine*, in accordance with a schedule to be set by the Court.

3. Discovery

All discovery is complete.

4. Trial

Plaintiff requests a trial by jury. The Parties currently are unable to estimate the probable length of trial, as the Court's rulings on forthcoming *Daubert* motions may alter the trial's scope and length.

5. Consent to Proceed Before a Magistrate Judge

The Parties do not consent to proceed before a Magistrate Judge.

6. Status of Settlement Discussions

On November 17, 2021, the Parties had an in-person mediation before the Honorable Layn R. Phillips, former United States District Judge of the United States District Court for the Western District of Oklahoma. Though the Parties did not reach resolution at this session, progress was made and discussions are ongoing.

7. Other Matters

On March 11, 2022, the Court set a status conference for March 25, 2022 at 10:45 a.m. Counsel for Defendants have immovable conflicts on that date and respectfully request that, if the Court would still like to hold a conference given the Parties' agreement on a *Daubert* briefing schedule, then the conference be adjourned to the morning of April 6 or 7. Plaintiff does not object to Defendants' request.

Dated: March 21, 2022

Respectfully submitted,

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